



Community Dialogue on the Management of Contaminated Soil

Overview of Meetings from
October-December 2017

This document was developed in partnership with the State of California's Department of Toxic Substances Control, the Center on Race, Poverty, & the Environment, the Del Amo Action Committee, and The People's Senate. It provides a brief overview of the feedback received and discussions amongst the participants during the Community Dialogue meetings.

ACKNOWLEDGEMENTS

The Department of Toxic Substances Control (DTSC) would like to thank the following Community Partners whose contributions to the Community Dialogue on the Management of Contaminated Soil created an opportunity for meaningful discussion and a path towards change.

- Ingrid Brostrom, Center on Race, Poverty & the Environment
- Cynthia Babich, Del Amo Action Committee, Los Angeles Environmental Justice Network
- Xonia Villanueva, The People's Senate, Concerned Neighbors of Wildomar

DTSC would also like thank the efforts of staff who contributed greatly to the Dialogue:

- Steven Becker, Site Mitigation and Restoration Program.
- Lazaro Cardenas, Office of Environmental Justice and Tribal Affairs
- Amanda Dominguez, Office of Public Participation
- Manuel Lopez, Office of Public Participation
- Marcia Rubin, Office of Public Participation
- Paul Ruffin, Site Mitigation and Restoration Program
- Ajit Vaidya, Site Mitigation and Restoration Program
- Leah White, Office of Legal Counsel

Thank you to the following program leadership:

- Ana Mascareñas, Assistant Director for Environmental Justice and Tribal Affairs
- Jerilyn Lopez Mendoza, Deputy Director, Office of Public Participation
- Mohsen Nazemi, Deputy Director, Site Mitigation and Restoration Program

We would like to honor the memory of Louis Joseph Hoaglin (1945-2018), who participated in this meeting series. His enduring commitment to protecting Tribal communities will improve the lives of current and future generations.

I. INTRODUCTION

DTSC envisions a future where all communities are living free of environmental injustice and inequity. Communities hold a range of views on the fate of contaminated soil in their community. While all communities support removing public health and environmental threats that contaminated soil presents, community views vary on how to best protect their neighborhoods. Some support treating the contaminated soil locally when feasible, rather than shifting burdens to other potentially impacted communities where disposal occurs. Other communities see removal of contaminated soil as the preferred method for their immediate and long-term protection. To help address community

concerns, the Department of Toxic Substances Control (DTSC) hosted a Community Dialogue on the Management of Contaminated Soil (Community Dialogue) which consisted of a series of three meetings across the state.

The purpose of the Community Dialogue was to address the various complexities associated with decisions about the fate of contaminated soil, including its management, treatment, and disposal. These meetings were intended to create a space for collaboration and meaningful discussion, incorporating many community views, and included the following goals:

- Develop guidelines for the role of communities in DTSC's decision-making processes associated with the fate of contaminated soil in their community.
- Clarify the basis for various community perspectives on how to best handle contaminated soil.
- Provide a greater understanding of the technical options for managing contaminated soil, and the potential benefits and drawbacks.

This document is meant to provide a brief overview of the feedback received and discussions amongst the participants during the Community Dialogue meetings.



II. COMMUNITY MEETING SERIES



Meeting in Los Angeles, California, October 28, 2017

DTSC collaborated with Community Partners in developing the design, scope, and desired outcomes for the Community Dialogue meetings. These desired outcomes were integrated into the overall project and meeting objectives of the Community Dialogue.

The meetings occurred between October and December 2017 with close coordination and feedback from the Community Partners before, during, and after each meeting. Each location was co-hosted by one or more community organizations.

For a full compilation of agendas, meeting materials, and meeting recordings, please visit:

dtsc.ca.gov/GetInvolved/EnvironmentalJustice/Community-Dialogue.



The Community Partners served on the Advisory Committee of the Department's Community Protection and Hazardous Waste Reduction Initiative. Their participation on this Advisory Committee uniquely positioned them to transition into a role to advise and help drive the Community Dialogue. To ensure accountability and measure success, the Community Partners provided the following specific desired outcomes:



“Here are our collective thoughts on the outcomes and measures of success we would like to see come out of the community dialogue. As an initial matter we want to ensure that after participating in this exercise, community participants would feel their time could result in meaningful change in DTSC’s programs and activities.

So as a starting point, we would like DTSC’s assurances that they would have the ability to modify their clean-up and permitting practices if warranted based on information and shared principles developed by the group.

With that in mind here are the measures of success that we propose:

1. A written set of shared principles developed by community participants that will help guide DTSC decision-making concerning the disposal and/or treatment of contaminated soils. We would request that DTSC consider endorsing some or all of the principles developed and that the document be posted on the DTSC website.

These principles could include:*

- a. Shared understanding and acceptance for locations and types of facilities that can safely contain contaminated soils in CA.
- b. Transparency between DTSC and residents in disclosing toxicity effects and risks for every chemical found on a site.
- c. The need to include and analyze cumulative impacts
- d. Cooperation and communication between DTSC and local governments

* The actual topics for inclusion and principles selected will depend on the priorities collectively selected by the community participants.

2. Proposed guidelines for factoring and weighting community input in remediation decisions. We would request that DTSC take action to consider formally adopting the guidelines or otherwise incorporating them into their clean-up program.
3. A common understanding of benefits and costs of various treatment and disposal alternatives, as well as an understanding of available and needed technology for treating and disposing of contaminated soils.”

MEETING #1: LOS ANGELES

The first meeting was held in Los Angeles and was co-hosted by the Del Amo Action Committee and the People's Senate. This meeting included community representatives from various organizations including: The People's Senate; Center on Race, Poverty, & the Environment; Physicians for Social Responsibility – Los Angeles; Sierra Club; Watts Clean Air and Energy; Del Amo Action Committee; California Communities Against Toxics; Los Angeles Environmental Justice Network; and the Coalition for a Safe Environment.

Dr. Jill Johnston from the University of Southern California, Department of Preventative Medicine provided a presentation on "Communities & Soil Contamination in LA". Jane Williams, California Communities Against Toxics, provided a presentation on "Remediation of Contaminated Soils in California". DTSC staff provided information on contaminated soil in California, including data on waste generation and disposal over time.

Meeting Objectives:

- A shared understanding of the goals and desired outcomes of the Dialogue.
- A shared understanding of the scope of managing contaminated soil in California.

Co-Hosts:

Del Amo Action Committee and
The People's Senate

Date and Time:

Saturday, October 28, 2017
10AM- 3PM

Location: TEACH Tech Charter High
School, 10000 S. Western Avenue
Los Angeles, CA 90047

Meeting Recording:

https://youtu.be/uS1sAC_v1Rc

(due to technical difficulties, the second half of the meeting was not recorded)



Meeting in Los Angeles, California, October 28, 2017

CAPTURING COMMUNITY FEEDBACK #1

Theme #1 Transparency/Accessibility

Transparency is important throughout the entire cleanup process.

Theme #2 Decision-making and management

National Contingency Plan Criteria: community acceptance should be prioritized – not a last consideration.

Theme #3: Community Engagement/Outreach

Community input should affect the outcome of a project.

Theme #4: Technology/Innovation

Develop the capacity to certify and screen technologies, and consider the most innovative and effective technologies.

MEETING #2: DELANO

The second meeting of the Community Dialogue was held in Delano, California and co-hosted by the Center on Race, Poverty & the Environment. The meeting included community residents from the Delano area, representatives from the Center on Race, Poverty & the Environment, the Del Amo Action Committee, El Pueblo Para Agua y Aire Limpio de Kettleman City and participation from the U.S. EPA.

DTSC staff provided an overview of the site mitigation, or cleanup, process including applicable state and federal laws, public participation, and remedy selection. A web tour on recent EnviroStor updates was also given to provide participants with a way to access information about DTSC cleanup, permitting, enforcement, and investigation activities.

Meeting Objective:

- Identify a shared understanding of DTSC's decision-making process for remedy selection and opportunities for community input in the process.

Co-Host:

Center on Race, Poverty & the Environment

Date and Time:

Tuesday, November 14, 2017

5:30PM-8:30PM

Location:

Center on Race, Poverty & the Environment,
1012 Jefferson Street, Delano, CA 93215

Meeting Recording:

<https://youtu.be/cNnrSXR8tw>



Meeting in Oakland, California, December 2, 2017

CAPTURING COMMUNITY FEEDBACK #2

Theme #1: Community Engagement/Outreach

Communities should be viewed as partners and be kept informed throughout the process.

Theme #2: Decision-making and management

Concerns over the protectiveness of capping sites for community. Caps should not be automatically selected.

Theme #3: Transparency/Accessibility

Ensure language accessibility in all projects.

Policy Considerations

Legacy contamination should not be passed on to the next generation.

MEETING #3: OAKLAND

The third meeting of the Community Dialogue was held in Oakland, California and co-hosted by Green Action for Health and Environmental Justice and the West Oakland Environmental Indicators Project. In addition to the co-hosts, other community organizations included the West County Toxics Coalition, Center on Race, Poverty & the Environment, Del Amo Action Committee, and El Pueblo Para Agua y Aire Limpio de Kettleman City. Representatives from the Wailaki Tribe, the Colorado River Indian Tribes, and U.S. EPA were also in attendance. DTSC staff provided an overview of contaminated soil with an emphasis on the remedy selection process and information on various remediation technologies, including an applied example of the remediation of lead in soil in West Oakland. DTSC also provided information on the updates to EnviroStor. The meeting concluded with breakout sessions amongst DTSC staff and participants to discuss community-based solutions and recommendations to challenges in the management of contaminated soil.

Meeting Objectives:

- Identify a set of shared principles developed by community participants that will help inform DTSC decision-making concerning the disposal and/or treatment of contaminated soils.
- Develop proposed guidelines for factoring and weighting community input in remediation decisions with an understanding of available remediation technologies.

Co-Hosts:

Green Action for Health and Environmental Justice & West Oakland Environmental Indicators Project

Date and Time:

Saturday, December 2, 2017 - 10AM- 3PM

Location:

Greenlining Institute, 360 14th Street, Oakland, CA 94612

Meeting Recording:

<https://youtu.be/IVzQLadAvwg>



Meeting in Oakland, California, December 2, 2017

CAPTURING COMMUNITY FEEDBACK #3

Theme #1: Transparency/Accessibility

Materials should be summarized and accessible – not just translated technical jargon.

Theme #2: Community Engagement/Outreach

Information and resources should be provided to educate, empower, and build community capacity. Consistent information should be provided on potential health effects, risk exposure, and toxicology.

Theme #3: Decision-making and management

Department and project managers should evaluate and consider all cleanup technologies before making a final decision.

Theme #4: Technology/Innovation

Improve cleanups by promoting new and innovative technologies that can reduce waste and protect communities.

Policy Considerations

Tribal governments and tribal communities must be included in conversations on landfills and hazardous waste management.

III. NEXT STEPS: ALIGNMENT WITH DEPARTMENT-WIDE STRATEGIES

The feedback and recommendations provided by community participants highlighted opportunities for innovation and improvement across DTSC's program and authorities. The Department has identified the following next steps that serve to address the programmatic gaps that were identified by community participants, and align these efforts with other ongoing strategies.

Strategic Planning

DTSC is undergoing Strategic Planning for 2018-2022. The Strategic Planning Process will actualize different strategies (both service and project management), align roles and ensure accountability, develop a new governance structure, and create more effective dashboards for accountability and transparency. Input from the Community Dialogue is being integrated throughout the Strategic Planning process. This includes stimulating innovation in cleanup technologies (see Remediation Technology Roundtable below), supporting community capacity building in communities, and systemically reviewing the nexus of community input, protectiveness, and cost in cleanup decisions.

Regular Public Meetings

DTSC has convened regular public meetings as of March 2018. DTSC holds these meetings on key initiatives of public interest to show our commitment to transparency and stakeholder involvement. The meetings offer the public an opportunity to hear status and progress reports on DTSC's

programs and proposals, ask questions, and hear directly from DTSC leadership on key issues. DTSC will use these opportunities to promote transparency across programs and processes that were identified as concerning during the Community Dialogue.

This effort also responds to the Independent Review Panel recommendations on public outreach to "improve accountability and transparency" (IRP Annual Report, January 8, 2018, pg. 35).

Community Specific Follow-Up

During the Community Dialogue several cleanup and investigation sites were identified by community residents to be of specific concern. Community representatives participated and raised concerns about projects in South Los Angeles, East Los Angeles, Delano, Shafter, Arvin, Bayview Hunter's Point, Laytonville, and West Oakland. DTSC is working to provide community updates on these sites. The Department is also assessing its Public Participation strategies and staffing to become more regionalized and better meet the needs of impacted communities.

EJ Roundtable on Community Principles for Site Mitigation

DTSC is collaborating with the Community Partners on next steps to inform the Department's decision-making process on the management of contaminated soil. This will include the development of Draft Community Principles for the Site Mitigation and Restoration Program.

An Environmental Justice Roundtable on these Community Principles will be held with the goal of bringing a wide-breadth of community perspectives to the forefront. Community Participants hope to develop a document that provides DTSC with ways to improve protections for Environmental Justice communities. Other specific actions and desired outcomes will be identified throughout the Roundtable.

Remediation Technology Roundtable

DTSC is hoping to convene a Remediation Technology Roundtable that would bring together various experts of proven technologies, including expertise across government regulators and science advisory bodies, private, non-profit, and academic sectors. The Roundtable would seek to develop strategies to stimulate innovation in cleanup technologies and improve the nexus of

community input, protectiveness, and cost in cleanup decisions.

The Community Dialogue meeting series was not the end, but the beginning of an open dialogue about the environmental injustices communities face. Through partnerships with government and community, we can harness the strength to move solutions to the forefront. We are in the process of trust building, policy strengthening, and actions leading to healthier communities.

For more information about the Community Dialogue, please contact DTSC at ej-tribal@dtsc.ca.gov.



Meeting in Oakland, California, December 2, 2017